

EXHIBIT 4

Email conversation with Mr. Melcher regarding potential conflicts of interest arising from his disparate roles in the case

Hegde, Jay

From: Hegde, Jay
Sent: Wednesday, February 03, 2016 03:55 PM
To: Melcher, Chris
Cc: Norton, Susan; Stepp, David; Brands, Michael; Powell, Glenn; Rush, James; Hegde, Jay
Subject: RE: FRIENDLY REMIDNER #2 Re: Your standing

Dear Mr. Melcher:

Another friendly reminder to please get back to me asap regarding the two specific questions I raised vis à vis your standing when you made your statements in your two emails to me on January 29, 2016 (please see appended herewith).

Since time is of the essence, unless you specifically and explicitly advise me otherwise on each of the two said questions, I will proceed under the assumption that:

- (1) You speak both as a Respondent and as the AU General Counsel, and
- (2) You speak on your own behalf and that of all other Respondents.

Thank you very much and best regards,
Jay Hegde PhD MS
Associate Professor
Augusta University (formerly Georgia Regents University)
Augusta, GA 30912-2697

From: Hegde, Jay
Sent: Saturday, January 30, 2016 4:01 PM
To: Melcher, Chris <CMELCHER@gru.edu>
Cc: Norton, Susan <SNORTON@gru.edu>; Stepp, David <DSTEPP@gru.edu>; Brands, Michael <MBRANDS@gru.edu>; Powell, Glenn <GPOWELL@gru.edu>; Rush, James <JRUSH@gru.edu>; Hegde, Jay <JHEGDE@gru.edu>
Subject: RE: FRIENDLY REMIDNER #1 RE: Request for documents pertaining to your investigations

Dear Mr. Melcher:

Please do remember to respond to the two questions that I raised in my email of Friday, January 29, 2016 4:55 PM to you about your standing in this matter.

Thank you very much,
Jay

From: Hegde, Jay
Sent: Saturday, January 30, 2016 3:57 PM
To: Hoffman, Todd <THOFFMA1@gru.edu>
Cc: Norton, Susan <SNORTON@gru.edu>; Stepp, David <DSTEPP@gru.edu>; Brands, Michael <MBRANDS@gru.edu>; Powell, Glenn <GPOWELL@gru.edu>; Rush, James <JRUSH@gru.edu>; Hegde, Jay <JHEGDE@gru.edu>; Melcher, Chris <CMELCHER@gru.edu>
Subject: RE: FRIENDLY REMIDNER #1 RE: Request for documents pertaining to your investigations

Dear Dr. Hoffman:

Thank you for your note. I'm sorry for including you in the in the email, but I did it solely because you were cc'ed by Mr. Melcher on his original email. In replying to Mr. Melcher's email, I did seriously consider deleting you as a recipient, but I felt doing so would be improper for two main reasons: First, I figured Mr. Melcher may have contacted you earlier about the matter at hand, and may have cc'ed you as a way of continuing to keep you in the loop. Second, leaving you out my response would simply make it appear that I was trying to hide something. Thus, once Mr. Melcher had taken the evidently improper step of cc'ing you on his email, I had no choice but to leave you as a recipient on my replies. Hope you appreciate where I'm coming from.

I would never drag you into these squabbles on my own – you can verify yourself that I've never ever previously cc'ed you on emails addressed to someone else.

Thank you very much,
Jay

From: Hoffman, Todd
Sent: Friday, January 29, 2016 5:52 PM
To: Hegde, Jay <JHEGDE@gru.edu>; Melcher, Chris <CMELCHER@gru.edu>
Cc: Norton, Susan <SNORTON@gru.edu>; Stepp, David <DSTEPP@gru.edu>; Brands, Michael <MBRANDS@gru.edu>; Powell, Glenn <GPOWELL@gru.edu>; Rush, James <JRUSH@gru.edu>
Subject: Re: FRIENDLY REMIDNER #1 RE: Request for documents pertaining to your investigations

Gentlemen,

It is quite clear there is a strong difference of opinion concerning the documents in question and whether they have been properly released and disseminated or not. However, given my position as Grievance Hearing Officer, I feel being party to the debate which you are engaging in via email prior to a hearing, where these things can be formally and properly vetted and argued, is inappropriate and risks involving me in a situation from which I should be dutifully distant.

I ask you to refrain from including me in these email exchanges. Rather, should you feel them to be evidence of some sort indicating your respective positions, then they can be provided to the panel where I can facilitate their integration into the hearing and the panel judges can consider them in a proper light.

Thank you for your understanding.

Todd

From: Hegde, Jay
Sent: Friday, January 29, 2016 4:55 PM
To: Melcher, Chris
Cc: Norton, Susan; Stepp, David; Brands, Michael; Powell, Glenn; Rush, James; Hoffman, Todd; Hegde, Jay
Subject: RE: FRIENDLY REMIDNER #1 RE: Request for documents pertaining to your investigations

Dear Mr. Melcher:

I plan to respond later to the substance, such as it is, of your argument.

But first, I wish to clarify the standing from which you are making these arguments, please:

- (1) Are you speaking in your capacity as a Respondent in this case, or as AU's General Counsel, or both, or in some other capacity?
- (2) Are you speaking solely for yourself or for one or more of the other Respondents? If so, which other Respondent/s are you speaking for, please?

Thank you very much and have a great weekend,
Jay

----- Original message -----

From: "Melcher, Chris" <CMELCHER@gru.edu>

Date: 01/29/2016 3:09 PM (GMT-05:00)

To: "Hegde, Jay" <JHEGDE@gru.edu>

Cc: "Norton, Susan" <SNORTON@gru.edu>, "Stepp, David" <DSTEPP@gru.edu>, "Brands, Michael" <MBRANDS@gru.edu>, "Powell, Glenn" <GPOWELL@gru.edu>, "Rush, James" <JRUSH@gru.edu>, "Hoffman, Todd" <THOFFMA1@gru.edu>

Subject: Re: FRIENDLY REMIDNER #1 RE: Request for documents pertaining to your investigations

Dr. Hegde,

The University has fully and accurately complied with all legal requirements of your many prior requests, and you have already received everything you are entitled to that you have requested. If you wish to request any further documents from any person or any department at the University, under any policy and for any purpose, please submit a proper open records request or ask your attorney Mike Brown to do so per the statute.

Regards,

Chris Melcher
719.352.2922

On Jan 29, 2016, at 2:59 PM, Hegde, Jay <JHEGDE@gru.edu> wrote:

Dear Mr. Melcher:

(1) Let the record show that your assertion that all our previous requests under the Georgia Open Records Act ["Act"] "...have been fully complied with by our office and others" is **demonstrably false**.

(2) Furthermore, as you know, my request in question was made under the AU Faculty Grievance Policy, which does not provide for any exemptions, including any previous requests made under any other provisions such as the Act. Therefore, our previous requests under the Act are entirely moot in the present context. Any assertions to the contrary on your part are manifestly invalid and disingenuous.

I therefore respectfully repeat my request for documents as stated in my January 20, 2016 email, and urge you comply expeditiously forthwith.

Thank you very much,
Jay Hegde PhD MS
Associate Professor
Augusta University (formerly Georgia Regents University)
Augusta, GA 30912-2697

From: Melcher, Chris
Sent: Friday, January 29, 2016 1:34 PM
To: Hegde, Jay <JHEGDE@gru.edu>
Cc: Norton, Susan <SNORTON@gru.edu>; Stepp, David <DSTEPP@gru.edu>; Brands, Michael <MBRANDS@gru.edu>; Powell, Glenn <GPOWELL@gru.edu>; Rush, James <JRUSH@gru.edu>; Hoffman, Todd <THOFFMA1@gru.edu>
Subject: Re: FRIENDLY REMIDNER #1 RE: Request for documents pertaining to your investigations

Dr. Hegde,

You and your lawyer, Mike Brown, have submitted numerous open record requests over the past year for these and other documents, all of which have been fully complied with by our office and others. At last count I believe you and your lawyer have received hundreds of pages of documents, for over 7 different requests.

If you seek any additional documents you should submit an appropriate open records request.

Regards,

Chris Melcher
719.352.2922

On Jan 28, 2016, at 4:10 PM, Hegde, Jay <JHEGDE@gru.edu> wrote:

Dear Vice President Norton, Mr. Melcher, Dr. Stepp, Dr. Brands, Mr. Powell and Mr. Rush:

A friendly reminder to please get back to me asap about this request that I made more than a week ago.

Thank you very much,
Jay Hegde PhD MS
Associate Professor
Augusta University (formerly Georgia Regents University)
Augusta, GA 30912-2697

From: Hegde, Jay
Sent: Wednesday, January 20, 2016 2:57 PM
To: Melcher, Chris <CMELCHER@gru.edu>; Norton, Susan <SNORTON@gru.edu>; Stepp, David <DSTEPP@gru.edu>; Brands, Michael <MBRANDS@gru.edu>; Powell, Glenn <GPOWELL@gru.edu>; Rush, James <JRUSH@gru.edu>
Cc: Hegde, Jay <JHEGDE@gru.edu>
Subject: Request for documents pertaining to your investigations

Dear Vice President Norton, Mr. Melcher, Dr. Stepp, Dr. Brands, Mr. Powell and Mr. Rush:

I am writing to you in your capacity as a Respondent in the grievance case I have filed with the Augusta University ("AU") Faculty Grievance Subcommittee. As the Grievant in this case, I have named each of you as a Respondent in your capacity as someone who conducted and/or helped conduct one or more of the various purported investigations into my concerns regarding various illegalities and irregularities vis à vis animal care, including the care of the animals in my research program, as set forth in the July 10, 2015 email from VP Norton to myself (appended herewith).

Therefore, I would like to hereby request the following documents from you as provided by Section 2.B.1 (p. 6) of the AU Faculty Grievance Policy ("Policy"):

(1) The entire case file of each of the investigations/inquiries that any of you conducted or helped conduct in this case, including but limited to, those conducted by the IACUC, Mr. Rush, and Mr. Powell, as set forth in the said email from VP Norton.

(2) Records of, and documents pertaining to, any and all communications through any medium, between AU and any state or federal government agency that pertains to any of the said investigations/inquiries, including those that may have been conducted/concluded after July 10, 2015.

Please note that the said Policy does not provide for any exemptions, nor for any fees or charges.

Please provide these documents to me as soon as possible and no later than Wednesday, January 27, 2016, a week from today. I prefer to receive these documents electronically, preferably as email attachments or on thumb drive/s.

Thank you very much,

Jay Hegdé PhD MS
Associate Professor
Augusta University (formerly Georgia Regents University)
Augusta, GA 30912-2697

From: Norton, Susan
Sent: Friday, July 10, 2015 4:55 PM
To: Hegde, Jay <JHEGDE@gru.edu>; Melcher, Chris <CMELCHER@gru.edu>
Cc: Reese, William <WREESE@gru.edu>; White, Sarah01 <SARWHITE@gru.edu>; Tsien, Joe <JTSIEN@gru.edu>
Subject: RE: REMINDER #1 RE: move to Gracewood

Dear Dr. Hegde,

Thank you for your email (and the reminder – I was in Atlanta earlier this week and am still catching up).

It is our understanding that the University has taken all appropriate actions in this matter, and the responsible parties have responded to you many times and in full on all of your issues. The question of how and whether you choose to continue your research has been an issue within your own control and is your own responsibility, and it is our understanding that this has been explained to you on several occasions by Dr. Tsien, Dr. Nussbaum, Dr. Diamond, Dr. Stepp, Dr. Terry, Dr. Charlton, the IACUC, Sarah White, Jim Rush, and others. We have reviewed the communications that you have sent to other University employees in this matter and their responses. The update on each specific issue is as follows:

1. The University has submitted its response to the Georgia OEO related to your claim of retaliation and discrimination. Like you, we are waiting on their disposition of this complaint.
2. Dr. Charlton, Dr. Terry, and the IACUC have fully responded to your questions regarding the treatment, care, location, housing, and condition of the Nonhuman Primate 24Q ("Crosby") that you were previously using in your research, and we would refer you back to them if you have any further questions.
3. Mr. Rush has completed his investigation into the death of the Nonhuman Primate AC70 ("Ovechkin") in early 2014, and has issued a report on that investigation. Mr. Rush delivered a copy of his report you previously. If you have any further questions as to his investigation, we refer you back to Mr. Rush. The IACUC has also fully investigated the death of the Nonhuman Primate AC70 in early 2014, and issued an updated report on that matter. The IACUC sent a copy of that updated report both to you and to the relevant agencies. If you have any further questions with regard to the IACUC investigation, we refer you back to the IACUC.
4. The IACUC, Dr. Tsien, Dr. Nussbaum, Dr. Diamond, Dr. Stepp, Dr. Terry, Dr. Charlton, and Sarah White have all explained to you in various communications that you are responsible for your own research, and you have been responsible for the past many months to choose to take the necessary steps to have an appropriate approved protocol in place and approved by the IACUC. To date, you have chosen not to take those steps or to work with the IACUC on establishing an approved protocol. It remains your choice whether to do so in the future, and I hope you will reconsider and decide to work with the IACUC.

We encourage you to work directly with your direct supervisor, Dr. Tsien, on your continuing responsibilities as an employee and a faculty member at GRU. Dr. Tsien and the relevant research bodies want to see you be successful with your research and I believe that working together is the key.

All the best,

Susan

From: Hegde, Jay
Sent: Thursday, July 09, 2015 1:52 PM
To: Norton, Susan; Melcher, Chris
Cc: Reese, William; White, Sarah01; Hegde, Jay
Subject: REMINDER #1 RE: move to Gracewood

Dear Vice President Norton and Mr. Melcher:

A friendly reminder respond to this query (please see below) asap, please.

Jay Hegdé

Georgia Regents University
Augusta, GA 30912-2697

From: Hegde, Jay
Sent: Monday, July 06, 2015 4:09 PM
To: Norton, Susan; Melcher, Chris
Cc: Reese, William; White, Sarah01; Hegde, Jay
Subject: RE: move to Gracewood

Dear Vice President Norton and Mr. Melcher:

Could you please update me on where your review of the four issues you noted (please see below) stands? I ask because it has been more than three months since I first broached this case with you. Hope you understand where I'm coming from.

Thank you very much and best wishes,
Jay

Jay Hegdé
Georgia Regents University
Augusta, GA 30912-2697

From: Norton, Susan
Sent: Friday, April 24, 2015 3:33 PM
To: Hegde, Jay
Cc: Melcher, Chris; Reese, William; White, Sarah01
Subject: RE: move to Gracewood

Dear Dr. Hegde,

As promised, we are providing this update in response to your emails of Friday, April 3rd and Monday, April 10th. Mr. Melcher and I are making progress on our review of your concerns. In order to ensure the appropriate attention is given to each matter, we have divided the concerns into 4 categories and we are reviewing them separately as follows:

1. Your EEOC complaint – this matter is being addressed by Glenn Powell, Director of Employment Equity, consistent with standard University protocol.
2. Your concerns about your Monkey being moved to Gracewood for a thorough clinical exam – Mr. Melcher and I are reviewing this and it appears this relates to the feeding protocol and so we are seeking advice from the IACUC on this matter.
3. Your concerns around the Monkey that died in 2014 – We have learned that IACUC is the responsible group for reviewing that as well, and we understand that they are completing their review of the investigation from last year. You should receive a written update shortly from IACUC.
4. The suspension of your grant – As we understand it, you have been given 30 days to resolve the concerns that resulted in the NSF decision to suspend the grant and you are encouraged to do what is necessary to be responsive to the issues identified. Your faculty supervisor, Dr. Tsien, will be on point to assist you with meeting the NSF expectations. It is our understanding that NSF may elect to grant an extension if the issues are not resolved in 30 days but that we should

work toward resolution as quickly as is reasonably possible and not assume an extension will be granted.

This is the status as of today and we will continue to work on each of these issues in the coming weeks. Please contact Dr. Tsien and IACUC to resolve and move forward on your protocol and your research. Thank you.

Susan

From: Hegde, Jay
Sent: Sunday, April 19, 2015 11:24 PM
To: Norton, Susan
Cc: Melcher, Chris; Reese, William; White, Sarah01; Hegde, Jay
Subject: RE: move to Gracewood

Dear Vice President Norton:

Thank you very much for letting me know. I'll look forward to it.

FYI, there has been a development vis á vis my monkey grant. The National Science Foundation (NSF) has suspended this grant. Obviously, this is a horrendously blow to my personnel, myself, and my research, made all the worse because none of us did anything wrong!

I trust Vice President Sarah White (cc'ed herewith) can provide additional details about the suspension, in case you haven't heard about this already from Mr. Melcher (who is cc'ed herewith, who was also cc'ed on VP White's email).

Best regards,
Jay

From: Norton, Susan
Sent: Saturday, April 18, 2015 10:30 AM
To: Hegde, Jay
Cc: Melcher, Chris; Reese, William; Hegde, Jay
Subject: Re: move to Gracewood

Dear Dr. Hegde.

Mr. Melcher and I will be in a position to provide you with an update by next Friday, April 24th. We appreciate your patience and understanding as we work through the various aspects of your concerns.

Susan

Sent from my iPad

On Apr 17, 2015, at 1:05 AM, "Hegde, Jay" <JHEGDE@gru.edu> wrote:

Dear Vice President Norton and Mr. Melcher:

It's now been ten days since you asked me to hold off on sending an open letter to President Azziz so you can review this situation. Could you give me a date certain by which I should expect to hear from you, please?

Also, I'd appreciate it if you could cc your reply to Prof. William Reese, the University Advocate.

Thank you very much,
Jay

Jay Hegdé
Georgia Regents University
Augusta, GA 30912-2697, USA

From: Norton, Susan
Sent: Monday, April 06, 2015 5:41 PM
To: Hegde, Jay
Subject: RE: move to Gracewood

Thank you, Dr. Hegde.

Susan

From: Hegde, Jay
Sent: Monday, April 06, 2015 5:15 PM
To: Norton, Susan
Cc: Rodriguez, Nancy; Terry, Alvin; Saucedo, Andrea; Moralejo, Daniel; Bouey, Cedrick; Shepard, Nola; Rush, James; Diamond, Michael; Maestri, Matthew; Melcher, Chris; Charlton, Patricia
Subject: RE: move to Gracewood

Dear Vice President Norton:

Thank you very much. I do understand. I will hold off on the open letter for now.

As a proud and loyal member of the GRU animal research community, I continue to be willing and eager to find a constructive way forward that protects the legitimate interests of GRU while promoting honest, competent animal welfare at GRU. But, based on my experience in this case for over 15 months now, I may be forgiven for not being overly inclined to beguile myself that anything will change for the better.

Thank you very much and best regards,
Jay

Jay Hegdé
Georgia Regents University
Augusta, GA 30912-2697

From: Norton, Susan
Sent: Monday, April 06, 2015 3:28 PM
To: Hegde, Jay
Cc: Rodriguez, Nancy; Terry, Alvin; Saucedo, Andrea; Moralejo, Daniel; Bouey, Cedrick; Shepard, Nola; Rush, James; Diamond, Michael; Maestri, Matthew; Melcher, Chris; Charlton, Patricia
Subject: RE: move to Gracewood

Dear Dr. Hegde,

Thank you for your email of Friday, April 3rd. Ms. James forwarded your email to Chris Melcher, who is the new General Counsel for the University. Mr. Melcher and I appreciate you sharing your concerns and we would appreciate it if you would afford us the opportunity to look into this matter. Thus, we request that you not send the open letter referenced so that we have time to review the situation.

Thank you again.

Susan Norton and Chris Melcher

From: Hegde, Jay
Sent: Friday, April 03, 2015 4:08 PM
To: James, Susan; Charlton, Patricia
Cc: Rodriguez, Nancy; Terry, Alvin; Saucedo, Andrea; Moralejo, Daniel; Bouey, Cedrick; Shepard, Nola; Rush, James; Diamond, Michael; Norton, Susan; Maestri, Matthew; Melcher, Chris
Subject: RE: move to Gracewood

Dear Ms. James:

Thank you very much. I greatly appreciate it.

Jay Hegdé
Georgia Regents University
Augusta, GA 30912-2697, USA

From: James, Susan
Sent: Friday, April 03, 2015 3:01 PM
To: Hegde, Jay; Charlton, Patricia
Cc: Rodriguez, Nancy; Terry, Alvin; Saucedo, Andrea; Moralejo, Daniel; Bouey, Cedrick; Shepard, Nola; Rush, James; Diamond, Michael; Norton, Susan; Maestri, Matthew; Melcher, Chris
Subject: RE: move to Gracewood

Mr. Hegdé, I believe you have copied me in error. I am General Counsel for Georgia Regents Health System and this appears to be a GRU matter. I am copying Chris Melcher, GRU General Counsel, instead.

From: Hegde, Jay
Sent: Friday, April 03, 2015 2:33 PM
To: Charlton, Patricia
Cc: Rodriguez, Nancy; Terry, Alvin; Saucedo, Andrea; Moralejo, Daniel; Bouey, Cedrick; Shepard, Nola; Rush, James; Diamond, Michael; James, Susan; Norton, Susan; Maestri, Matthew; Hegde, Jay
Subject: RE: move to Gracewood

Dear Dr. Charlton:

Thank you for your note. Let the record show:

- (1) I was not consulted in any way before this decision was made.
- (2) Your note did not say the planned move was temporary. Therefore, given the past history of how GRU has treated my monkeys, employees and myself, I assume this move is permanent.
- (3) I have previously and repeatedly made it clear to GRU that this move will completely destroy my federally funded grant and, indeed, by my entire career.
- (4) I think the planned move is simply a continuation of a long series of retaliatory and discriminatory actions by GRU for the simple fact that I dared to point out that the official records were falsified in death and aftermath of Ovechkin (AC70). As such, I believe this move will constitute a continuation of civil and criminal violations of the law.
- (5) I have made this clear to GRU repeatedly before that no one from my staff nor I will be able visit Gracewood to take care of this monkey, because having to do so will constitute an undue burden on, and a professional risk, to us.

Given that GRU has chosen to deliberately ignore continued violations of federal and state laws, some colleagues and I wish to write an open letter to President Azziz (cc to Chancellor Huckaby, Governor Deal and various other legislative and executive officeholders of the state and federal government) asking President Azziz to refer this matter for a criminal investigation by external law enforcement agencies. I have previously made the same request of Mr. James Rush, GRU's Chief Integrity Officer (cc'ed herewith), but he has indicated that he won't do so. I attach herewith two sworn affidavits that I have previously submitted to Mr. Rush. I, speaking solely for myself personally, have no objections to anyone sharing, posting or otherwise publicizing the attached affidavits. Additional sworn affidavits, not previously released, will be submitted with the aforementioned open letter.

Ms. James and Vice President Norton, if you have any objection whatsoever to us writing such an open letter, please let me know in writing before 5 pm EDT on Monday, April 6, 2015. For your convenience, if I am not advised in writing not to submit the said letter by the said date and time, I will assume that GRU has no objection to us doing so.

Thank you very much,
Jay Hegde
Georgia Regents University

Augusta, GA 30912-2697

From: Charlton, Patricia
Sent: Friday, April 03, 2015 12:43 PM
To: Hegde, Jay; Cui, He; Maestri, Matthew
Cc: Rodriguez, Nancy; Terry, Alvin; Saucedo, Andrea; Moralejo, Daniel; Bouey, Cedrick; Shepard, Nola
Subject: move to Gracewood

Hello Dr. Hedge and Dr. Cui,

Dr. Rodriguez is currently providing veterinary coverage/oversight for Gracewood and we are very pleased to have her expertise and clinical support!

I wanted to let you know that we will be transferring your monkeys to Gracewood on Monday 4/13. Dr. Rodriguez will be on-site at Gracewood on 4/14 to begin a thorough clinical exam of these monkeys.

The animal care staff and Veterinary technician at Gracewood are all trained extensively to work with NHPs. Please let me know if you and your staff members would like to go Gracewood and with what frequency you and/or your staff plan to go. The information will help me ensure you have the access you need. Please let me know what questions you might have at this time.

Thank you,
Dr. Charlton